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Letex Apparels Co., LTD

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

LETEX APPARELS CO., LIMITED	)	Case No. CV
Plaintiff,	)	
v.	)	COMPLAINT
UNITED STATES OF AMERICA,	)	(FTCA; <i>Bivens</i> , APA, FRCP 41(g))
U.S. CUSTOMS AND BORDER	)	
PROTECTION, and JOHN DOE U.S.	)	
CUSTOMS AND BORDER	)	Demand for Jury Trial
PROTECTION OFFICERS AND	)	
OTHER EMPLOYEES 1-10, <i>in their</i>	)	
<i>official and/or individual capacities,</i>	)	
Defendants.	)	

**I.**  
**INTRODUCTION**

1. This is a civil action against the United States, U.S. Customs and Border Protection (“CBP”), and CBP officers and other employees of the United States (collectively, “Defendants”) pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346, 2671-80, and *Bivens v. Six Unknown Named Agents of the Federal*

1 *Bureau of Narcotics*, 403 U.S. 388 (1971), for their unlawful actions during the course  
2 of the seizure, forfeiture, and destruction of Plaintiff's imported 26,016 garments,  
3 which CBP appraised to be valued at \$460,743.36.

## 4 II.

### 5 JURISDICTION AND VENUE

6  
7 2. This Court has subject matter jurisdiction over this action pursuant to  
8 28 U.S.C. §§ 1346(b)(1) and 1331 because Plaintiffs' claims arise under the Federal  
9 Torts Claim Act (FTCA), 28 U.S.C. §§ 1346 & 2671-80 and the Fourth Amendment  
10 to the United States Constitution, the Administrative Procedures Act ("APA"), 5  
11 U.S.C. §701 *et seq*, and Federal Rule of Criminal Procedure 41(g). Plaintiff filed an  
12 administrative tort claim with Defendants, which was denied on November 22, 2024.

13 3. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b)(2)  
14 because the events giving rise to this claim all transpired in the State of California,  
15 within the Central District of California, and pursuant to 28 U.S.C. § 1346(b)(1)  
16 because this is a civil action against the United States for loss of property arising out  
17 of conduct of one or more United States' employees.

## 18 III.

### 19 PARTIES

20 4. Plaintiff Letex Apparels Co., Limited is a Hong Kong trading company  
21 doing business in the United States and which owns the imported 26,016 garments,  
22 which CBP appraised to be valued \$460,743.36.

23 5. Defendant the United States is the proper party for actions taken by  
24 CBP, a constituent agency of the Department of Homeland Security.

25 6. Defendant CBP is a federal agency charged with enforcing U.S.  
26 customs laws.

27 7. Defendants John Doe, CBP officers and other, unnamed employees 1-  
28 10 are employees of CBP acting in their official and/or individual capacities.

1 IV.

2 FACTS

3  
4 8. On or about February 28, 2023, CBP officers at the Los Angeles/Long  
5 Beach Seaport detained 26,016 garments in Entry No. 9DX-2300001-7 owned by  
6 Plaintiff, which CBP appraised to be valued \$460,743.36.

7  
8 9. On April 14, 2023, Plaintiff's counsel notified CBP that Plaintiff has  
9 an ownership interest in the garments, advised CBP it that it is a prospective  
10 claimant if CBP seizes the garments, and requested that CBP send any seizure  
11 notice to its counsel if the garments are seized.

12  
13 10. On April 25, 2023, Plaintiff's counsel again notified CBP that Plaintiff  
14 has an ownership interest in the detained garments, advised CBP that Plaintiff is a  
15 prospective claimant if CBP seizes the garments, and requested that CBP send any  
16 seizure notice to its counsel if the garments are seized.

17  
18  
19 11. On July 31, 2023, CBP seized Plaintiff's 26,016 garments.

20 12. Following CBP's seizure of Plaintiff's 26,016 garments, CBP did not  
21 send Plaintiff or Plaintiff's counsel a notice of seizure.

22  
23 13. On August 22, 2023, notwithstanding that Plaintiff did not receive a  
24 seizure notice or other notification of the seizure, Plaintiff timely filed a petition  
25 with CBP for remission of the seizure and forfeiture, contesting the seizure of the  
26 Plaintiff's 26,016 garments and requesting return of Plaintiff's garments.  
27  
28

1 14. CBP did not issue a decision on Plaintiff's petition for remission.

2 15. On a date unknown, CBP administratively forfeited Plaintiff's 26,016  
3 garments.  
4

5 16. Plaintiff believes that on a date unknown, CBP may have destroyed  
6 Plaintiff's 26,016 garments.  
7

8 **FIRST CAUSE OF ACTION**

9 (Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671-80 based on negligence;  
10 against all Defendants)

11 17. Plaintiff repeats and incorporates paragraphs 1-16 by reference as  
12 though stated fully herein.  
13

14 18. Defendants had a duty to exercise due care in the seizure, and/or  
15 forfeiture of Plaintiff's 26,016 garments.  
16

17 19. Defendants failed to meet this standard of care by negligently seizing  
18 and, on information and belief, destroying Plaintiff's 26,016 garments without first  
19 notifying Plaintiff of the seizure and forfeiture of the garments and/or issuing a  
20 decision on Plaintiff's petition for remission.  
21

22 20. As a result of Defendant's negligence, Plaintiff suffered a total loss of  
23 its 26,016 garments, which CBP appraised to be valued \$460,743.36.  
24

25 **SECOND CAUSE OF ACTION**

26 (Violation of Fourth Amendment Rights/*Bivens*;  
27 against Individual Defendants John Does 1-10)  
28

1           21. Plaintiff repeats and incorporates paragraphs 1-16 by reference as though  
2 stated fully herein.  
3

4           22. Plaintiff has and had a constitutionally protected right under the Fourth  
5 Amendment to the United States Constitution to be free from unreasonable searches  
6 and seizures by government officers, including the permanent seizure of Plaintiff's  
7 26,016 garments.  
8

9           23. The individual Defendant John Doe CBP officers and other CBP  
10 employees 1-10 violated Plaintiff's rights under the Fourth Amendment to the  
11 United States Constitution by forfeiting and, on information and belief, destroying  
12 (permanently seizing) Plaintiff's 26,016 garments contrary to law.  
13  
14

15           24. As a result of violation of Plaintiff's Fourth Amendment rights by  
16 Defendant John Doe CBP officers and other CBP employees 1-10, Plaintiff suffered  
17 a total loss of its 26,016 garments, which CBP appraised to be valued at  
18 \$460,743.36.  
19

20  
21                           **THIRD CAUSE OF ACTION**

22                           (Administrative Procedures Act, 5 U.S.C. §701 *et seq.*,  
23                           against defendant United States)

24           25.           Plaintiff herein incorporates by reference the acts and omissions  
25 described in Paragraphs 1-16, above.  
26  
27  
28

1           26.       Because of the above-mentioned acts and omissions, Defendants  
2 have violated the Fourth and Fifth Amendment rights of Plaintiffs, and the rights of  
3 all other persons similarly situated, in that Defendants acted and/or failed to act in  
4 their official capacity and/or under legal authority, by improperly seizing and  
5 forfeiting Plaintiff's property without sufficient notice pursuant to 19 U.S. Code  
6 §1607.  
7

8  
9           27.       Because of these afore-mentioned acts, and pursuant to the  
10 Administrative Procedures Act, 5 U.S.C. §701 *et seq.*, through which the Defendants  
11 have acted to conduct the above-referenced illegal seizure, forfeiture and/or  
12 destruction of Plaintiff's property, Defendants should be ordered to return Plaintiff's  
13 property or the value thereof forthwith.  
14  
15

16                               **FOURTH CAUSE OF ACTION**

17  
18                               (Fed. Rule of Crim. P. 41(g).; against  
19                               defendant United States)

20           28.       Plaintiff herein incorporates by reference the acts and omissions  
21 described in Paragraphs 1-16, above.  
22

23           29.       When property held by the government is not needed for evidentiary  
24 purposes, the party from whom the property is seized is presumed to have a right to  
25 its return, and the government has the burden of demonstrating that it has a  
26 legitimate reason to retain the property. The government must justify its continued  
27  
28

1 possession of the property by demonstrating that it is contraband or subject to  
2 forfeiture. *United States v. Harrell*, 530 F.3d 1051, 1057 (9th Cir. 2008).

3  
4 30. Defendants are obligated to return Plaintiff's property whether under  
5 statutory or due process standards. After the property was detained/seized by CBP,  
6  
7 1) Defendants failed to serve any notice of forfeiture proceedings; 2) neither  
8 Plaintiff nor its counsel have otherwise been served with notice of the initiation of  
9 any administrative or judicial forfeiture proceedings against the property; and 3) the  
10 property has not been returned to Plaintiff. Defendants have no justification for the  
11 delay and, accordingly, the property should be ordered returned to Plaintiff forthwith  
12 pursuant to Fed. R. Crim. P. 41(g).  
13  
14

### 15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff respectfully requests that this Court:

17  
18 a. Enter judgment for Plaintiff ordering Defendants to return Plaintiff's  
19 property to Plaintiff forthwith;

20 b. Alternatively, order Defendants to pay Plaintiff \$460,743.36 in  
21 compensatory damages, plus interest; and

22 c. Order Defendants to pay Plaintiff costs, attorney's fees, and other such  
23 relief as this court deems equitable and just.  
24  
25  
26  
27  
28

1 DATED: May 17, 2025

Respectfully submitted.

2  
3 LAW OFFICE OF ERIC HONIG  
STEIN SHOSTAK POLLACK & O'HARA

4  
5 By: //s// Christopher J. Duncan

6 Christopher J. Duncan

7 Attorneys for Plaintiff

8 Letex Apparels Co., LTD

9  
10  
11 **DEMAND FOR JURY TRIAL**

12 Plaintiff hereby demands a trial by jury on all causes of action for which it is  
13 entitled to a jury trial.  
14

15 DATED: May 17, 2025

Respectfully submitted.

16  
17 LAW OFFICE OF ERIC HONIG  
STEIN SHOSTAK POLLACK & O'HARA

18  
19 By: //s// Christopher J. Duncan

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21 Attorneys for Plaintiff

22 Letex Apparels Co., LTD  
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